

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Gary Hofmeister for Congress Committee
and Curtis Coonrod, as treasurer)

MUR 5204

CONCILIATION AGREEMENT

Matter Under Review ("MUR") 5204 was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe Gary Hofmeister for Congress Committee and Curtis Coonrod, as treasurer ("Respondents") violated 2 U.S.C. § 434 (a).

NOW THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts and violations of law in this matter are as follows:

22-04-406-0554

1 1. The Gary Hofmeister for Congress Committee was the principal campaign committee
2 of Gary Hofmeister, the Republican Candidate for the United States House of Representatives
3 for the state of Indiana, Tenth District in the 1998 election.

4 2. Curtis Coonrod is the treasurer of Gary Hofmeister for Congress Committee.

5 3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires the
6 principle campaign committee of a candidate for Federal office to notify in writing either the
7 Secretary or the Commission, and the Secretary of State, as appropriate, of any contribution of
8 \$1,000 or more, received by any authorized committee of the Candidate after the 20th day, but
9 more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires
10 notification to be made within 48 hours after the receipt of the contribution and should include
11 the name of the candidate and office sought, the identification of the contributor and the date of
12 receipt and amount of the contribution. *Id.* The notification of these contributions shall be in
13 addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

14 4. The Committee accepted contributions totaling \$83,213 for which it should have filed
15 48-hour notices before the primary election. Of these, notices for three contributions totaling
16 \$8,713 were never filed and a notice for a loan of \$30,000 for the primary was filed late. In
17 addition, prior to the general election, contributions totaling \$73,200 were identified which
18 required notices. Of these, the Committee failed to file 48-hour notices for three contributions,
19 totaling \$3,000. Thus, the Committee failed to file proper notices for contributions totaling
20 \$41,713 (\$30,000 + \$8,713 - \$3,000).

21 V. Respondents failed to file 48-hour notices for contributions in the amount of
22 \$41,713 in violation of 2 U.S.C. § 434(a)(6)(A). Respondents will cease and desist from
23 violating 2 U.S.C. § 434(a)(6)(A).

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1 VI. Respondents will pay a civil penalty to the Federal Election Commission in the
2 amount of \$4,800 pursuant to 2 U.S.C. § 437g(a)(5)(A).

3 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
4 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance
5 with this agreement. If the Commission believes that this agreement or any requirement thereof
6 has been violated, it may initiate a civil action for relief in the United States District Court for the
7 District of Columbia.

8 VIII. This agreement shall become effective as of the date that all parties thereto have
9 executed same and the Commission has approved the entire agreement.

10 IX. Respondents shall have no more than 30 days from the date this agreement
11 becomes effective to comply with and implement the requirements contained in this agreement
12 and to so notify the Commission.

13 X. This Conciliation Agreement constitutes the entire agreement between the parties
14 on the matters raised herein, and no other statement, promise, or agreement, either written or
15 oral, made by either party or by agents of either party, that is not contained in this written
16 agreement shall be enforceable.

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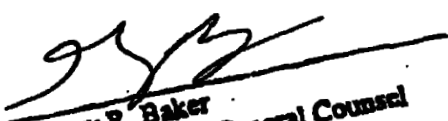
Gary R. Hofmeister
ACS, INC. 4

317-635-9234
703 370 2217 P.05/05

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:


Gregory R. Baker
Acting Associate General Counsel

12/13/02
Date

FOR THE RESPONDENTS

Gary A. Hofmeister
Name
for the campaign
committee - Hofmeister
for Congress

September 30, 2002
Date

22.04.406.0557

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